

IN THE MATTER OF THE APPLICATION OF  
MARSHALL FESCHE, ET UX FOR A VARIANCE ON  
PROPERTY LOCATED ON THE NORTHEAST SIDE OF  
FALLS RD., 70' NORTHWEST OF THE CENTER-  
LINE OF APPLECROFT RD. (12207 FALLS RD.)  
8TH ELECTION DISTRICT  
3RD COUNCILMANIC DISTRICT

ORDER OF DISMISSAL

This is an appeal from the decision of the Zoning Commissioner dated  
December 17, 1989 denying Petition for Variance on property located on the north-  
west side of Falls Rd., 70' northwest of the centerline of Applecroft Rd. (12207  
Falls Rd), in the Eighth Election District of Baltimore County.

WHEREAS, the Board of Appeals is in receipt of a Letter of Dismissal of appeal  
filed March 14, 1990 (a copy of which is attached hereto and made a part hereof)  
from the Appellant in the above-entitled case; and

WHEREAS, the said Appellant requests that the appeal filed by him be  
dismissed and withdrawn as of March 14, 1990,

IT IS HEREBY ORDERED this 15th day of March, 1990 that said appeal be and  
the same is hereby DISMISSED.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

William T. Hackett  
William T. Hackett, Chairman

Michael B. Sauer

Lynn B. Moreland  
Lynn B. Moreland

IN RE: PETITION FOR ZONING VARIANCE  
NE/S Falls Road, 70' NW of  
the c/l of Applecroft Road  
(12207 Falls Road)  
8th Election District  
3rd Councilmanic District  
Marshall Fesche, et ux  
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit an accessory  
structure (garage) in the front yard in lieu of the required rear yard  
with a height of 21 feet in lieu of the maximum permitted 15 feet, in  
accordance with Petitioner's Exhibit 1.

The Petitioners, by Marshall Fesche, appeared and testified. Also  
appearing as an interested party was Jim Bacon, a nearby property owner.

Testimony indicated that the subject property, known as 12207  
Falls Road, consists of 0.36 acres zoned R.C. 5 and is improved with a  
single family dwelling. Petitioner proposes constructing a two story  
garage in the front yard as shown in Petitioner's Exhibit 1. Mr. Fesche  
testified the site proposed for the garage is the most practical as the  
septic system is located to the rear of the property and the well is locat-  
ed in the side yard. He stated he did not wish to connect the proposed  
garage to the existing dwelling for aesthetic considerations. Testimony  
indicated the height proposed is necessary in order to obtain a 45 degree  
angle roof to match the roofline of the existing dwelling. Mr. Fesche  
testified the proposed garage will be used for purposes of storing antique  
vehicles and miscellaneous items. Testimony indicated that while he does  
not live on the property, Mr. Fesche is planning future major renovations  
to the existing dwelling, which is currently being rented.

Mr. Bacon testified he was concerned that Mr. Fesche would utilize  
the proposed garage in conjunction with his construction business inasmuch  
as Mr. Fesche does not reside on the property.

An area variance may be granted where strict application of the  
zoning regulations would cause practical difficulty to the Petitioner and  
his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical  
difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would  
unreasonably prevent the use of the property for a  
permitted purpose or render conformance unnecessarily  
burdensome;
- 2) whether the grant would do substantial injustice  
to applicant as well as other property owners in the  
district or whether a lesser relaxation than that  
applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion  
that the spirit of the ordinance will be observed and  
public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28  
(1974).

After due consideration of the testimony and evidence presented,  
there is insufficient evidence to allow a finding that the Petitioner  
would experience practical difficulty or unreasonable hardship if the  
requested variance were denied. Testimony and evidence presented indicat-  
ed that the proposed garage could be attached to the existing dwelling or  
located elsewhere on the property in such a manner as to not require the  
front yard variance. Further, the requested height variance is excessive  
in nature and unnecessary. The testimony presented by Petitioners was in  
support of a matter of preference rather than a necessity. Petitioner has  
failed to show that compliance would unreasonably prevent the use of the

- 2 -

property or be unnecessarily burdensome. Therefore, the variance requested  
must be denied.

Pursuant to the advertisement, posting of the property, and  
public hearing on this Petition held, and for the reasons given above, the  
relief requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore  
County this 7th day of December, 1989 that the Petition for Zoning  
Variance to permit an accessory structure (garage) in the front yard in  
lieu of the required rear yard with a height of 21 feet in lieu of the  
maximum permitted 15 feet, in accordance with Petitioner's Exhibit 1, be  
and is hereby DENIED.

J. Robert Haines  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:bjs

PETITION FOR ZONING VARIANCE  
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is  
described in the description and plat attached hereto and made a part hereof, hereby petition for a  
Variance from Section 400.1 and 400.3 to permit a 21' in height  
accessory build (garage) in the front yard in lieu of the  
maximum 15' height and required rear yard.

of the Zoning Regulations of Baltimore County to the Zoning Law of Baltimore County; for the  
following reasons: (Indicate hardship or practical difficulty)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this  
petition, and further agree to and are to be bound by the zoning regulations and restrictions of  
Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm,  
under the penalties of perjury, that I/we  
are the legal owner(s) of the property  
which is the subject of this Petition.

Contract Purchaser:  
MARSHALL FESCHE  
(Type or Print Name)

Signature  
MARSHALL FESCHE

Address  
JIMMY FESCHE

City and State  
TOWSON, MD

Atorney for Petitioner:  
11506 ST. DAVIDS LANE  
(Type or Print Name) Phone No. 876-6612

Signature  
TAMMUN, MD. 21093

Address  
MARSHALL FESCHE

City and State  
TOWSON, MD. 21093

Atorney's Telephone No.: 876-6612

ORDERED By The Zoning Commissioner of Baltimore County, this 29 day

of 1989 that the subject matter of this petition be advertised, as

required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-  
out Baltimore County, that property be posted, and that the public hearing be had before the Zoning

Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore

County, on the 29 day of NOV, 1989, at 2:30 o'clock

P.M.

J. Robert Haines  
Zoning Commissioner of Baltimore County

ESTIMATED LENGTH OF HEARING 1/2 HR.  
AVAILABLE FOR HEARING  
WON. / TUES. / WED. - NEXT TWO MONTHS

ALL OTHER DATE 8/24/91

REVIEWED BY: TRL DATE 8/24/91

ZONING DESCRIPTION

Beginning on the northeast side of Fall Road, 40 feet wide, at the  
distance of 70 feet northwest of the centerline of Applecroft Road.  
Also known as 12207 Falls Road, containing .36 of an acre in the 8th  
Election District.



County Board of Appeals of Baltimore County  
COUNTY OFFICE BUILDING, ROOM 315  
111 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
(301) 887-3180

March 15, 1990

Mr. and Mrs. Marshall Fesche  
11506 St. Davids Lane  
Timonium, Maryland 21093

Re: Case No. 90-207-A (Marshall Fesche, et ux)

Dear Mr. Fesche:

Enclosed please find a copy of the Order of Dismissal issued  
this date by the County Board of Appeals in the subject matter.

Sincerely,

Linda Lee M. Kuszmaul  
Linda Lee M. Kuszmaul  
Legal Secretary

Enclosure

cc: Mr. Jim Bacon and Mr. Fred Smith  
Falls Road Community Assoc.  
P. David Fields  
Pat Keller  
J. Robert Haines  
Ann M. Nastarowicz  
James E. Dyer  
W. Carl Richards, Jr.  
Docket Clerk - Zoning  
Arnold Jablon, County Attorney



County Board of Appeals of Baltimore County  
COUNTY OFFICE BUILDING  
111 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
(301) 887-3180  
February 9, 1990

HEARING ROOM -  
Room 301, County Office Bldg.

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT  
REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND  
IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS  
WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING  
DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL  
BILL NO. 99-79.

CASE NO. 90-207-A MARSHALL FESCHE, ET UX  
NE/S Falls Rd., 70' NW of the c/l of  
Applecroft Rd. (12207 Falls Road)  
8th Election District; 3rd Councilmanic District

VAR -to permit garage in front yard in lieu  
of required rear yard; w/height of 21' in  
lieu of 15'.

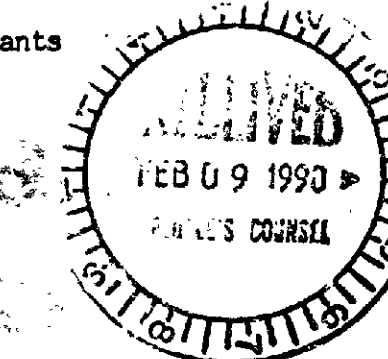
12/7/89 - Z.C.'s Order DENYING Petition.

ASSIGNED FOR: WEDNESDAY, JULY 12, 1990 at 1:00 P.M.

cc: Mr. and Mrs. Marshall Fesche Petitioners/Appellants  
Falls Road Community Assoc.

Mr. Jim Bacon  
Mr. Fred Smith  
People's Counsel for Baltimore County  
P. David Fields  
Pat Keller  
J. Robert Haines  
Ann M. Nastarowicz  
James E. Dyer  
W. Carl Richards, Jr.  
Docket Clerk - Zoning  
Arnold Jablon, County Attorney

Linda Lee M. Kuszmaul  
Legal Secretary



RECEIVED  
FEB 21 1990



FALLS ROAD COMMUNITY ASSOCIATION, INC.  
P.O. BOX 555  
BROOKLANDVILLE, MARYLAND 21022



Board of Appeals  
11 West Chesapeake Ave.  
Room 315  
Towson, MD 21204

January 30, 1990

Gentlemen,

This letter is in reference to Case 90-207 A, Petitioner:  
Marshall Fesche.

Please include the Falls Road Community Association on your  
future distribution list for the referenced case. Also we would  
like to be brought up to date on any rulings or correspondence to  
date.

Our mailing address is:

FRCA  
P.O. Box 555  
Brooklandville, MD 21022

Thank you,  
*A. D. McComas*  
A. D. McComas, Executive Director

2/9/90 - Following parties notified of hearing set for Wed., July 18, 1990 at 1:00 p.m.:

Mr. & Mrs. Marshall Fesche  
Falls Road Community Assoc.  
Mr. Jim Bacon  
Mr. Fred Smith  
People's Counsel  
P. David Fields  
Pat Keller  
J. Robert Haines  
Ann M. Nastarowicz  
James E. Dyer  
W. Carl Richards, Jr.  
Docket Clerk - Zoning  
Arnold Jablon

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3333  
J. Robert Haines  
Zoning Commissioner

January 8, 1990



Dennis F. Rasmussen  
County Executive

Baltimore County Board of Appeals  
County Office Building, Room 315  
Towson, Maryland 21204

RE: Petition for Zoning Variance  
NE/S Falls Road, 70' NW of  
the c/l of Applecroft Road  
(12207 Falls Road)  
8th Election District, 3rd Councilmanic District  
Marshall Fesche, et ux - Petitioner  
Case No. 90-207-A

Dear Board:

Please be advised that an appeal of the above-referenced case was  
filed in this office on January 3, 1990 by Marshall Fesche. All  
materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the  
appeal hearing when it has been scheduled. If you have any questions  
concerning this matter, please do not hesitate to contact this office.

Very truly yours,

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner

JRH:jat

Enclosures

cc: Mr. & Mrs. Marshall Fesche  
22506 St. Davids Lane  
Timonium, Maryland 21093

Mr. Jim Bacon  
12212 Falls Road  
Cockeysville, Maryland 21030

People's Counsel of Baltimore County  
Rm. 304, County Office Bldg., Towson, Md. 21204  
File

RECEIVED  
COUNTY BOARD OF APPEALS  
30 JAN 11 PM 3:25

County Board of Appeals  
Baltimore County  
Towson, Maryland 21204

Dear Board of Appeals,

I find the decision rendered on case number 90-207-A  
unfavorable and not based on the facts. The proposed area  
for placement of the garage is the only location on the property  
available. The septic system is located on the side of the  
house (not rear as stated in denial) and the well is located  
in the front yard (not side as stated in denial). Thus the only  
location available for the placement of the garage would be  
between the well system and the septic system.

Please note that the house does not face Falls Road  
but is at a right angle to the road. The garage itself will  
be positioned much further back from the road than where  
the house is located.

Practical difficulty would be experienced from  
this denial since it would not be able to build a garage  
on this property in any other location. My request to build  
a garage is not unreasonable since most of the surrounding  
homes in the neighborhood have garages.

Thank you for your consideration.

RECEIVED JAN 3 1990

Sincerely,  
*Marshall Fesche*

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

90-207-A

District: P. 1 Date of Posting: January 23, 1990  
Petitioner: Marshall Fesche, et ux  
Location of property: NE/S Falls Road, 70' NW of c/l of Applecroft Rd.  
Road: 12207 Falls Road  
Location of Sign: In front of 12207 Falls Road  
Remarks: \_\_\_\_\_  
Posted by: A. J. Brater Date of return: February 2, 1990  
Number of Signs: 1



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING  
111 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
(301) 887-3333  
February 9, 1990

HEARING ROOM  
Room 301, County Office Bldg.

NOTICE OF ASSIGNMENT

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REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND  
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DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL  
BILL NO. 9-79.

CASE NO. 90-207-A MARSHALL FESCHE, ET UX  
NE/S Falls Rd., 70' NW of the c/l of  
Applecroft Rd. (12207 Falls Road)  
8th Election District, 3rd Councilmanic District

VAR - to permit garage in front yard in lieu  
of required rear yard; w/height of 21' in  
lieu of 15'.

12/7/89 - Z.C.'s Order DENYING Petition.

ASSIGNED FOR: WEDNESDAY, JULY 18, 1990 at 1:00 p.m.

cc: Mr. and Mrs. Marshall Fesche Petitioners/Appellants  
Falls Road Community Assoc.  
Mr. Jim Bacon  
Mr. Fred Smith  
People's Counsel for Baltimore County  
P. David Fields  
Pat Keller  
J. Robert Haines  
Ann M. Nastarowicz  
James E. Dyer  
W. Carl Richards, Jr.  
Docket Clerk - Zoning  
Arnold Jablon, County Attorney

LindaLee M. Kusznau  
Legal Secretary

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3333  
J. Robert Haines  
Zoning Commissioner

January 8, 1990



Dennis F. Rasmussen  
County Executive

Baltimore County Board of Appeals  
County Office Building, Room 315  
Towson, Maryland 21204

RE: Petition for Zoning Variance  
NE/S Falls Road, 70' NW of  
the c/l of Applecroft Road  
(12207 Falls Road)  
8th Election District, 3rd Councilmanic District  
Marshall Fesche, et ux - Petitioner  
Case No. 90-207-A

Dear Board:

Please be advised that an appeal of the above-referenced case was  
filed in this office on January 3, 1990 by Marshall Fesche. All  
materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the  
appeal hearing when it has been scheduled. If you have any questions  
concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. ROBERT HAINES  
Zoning Commissioner

JRH:jat

Enclosures

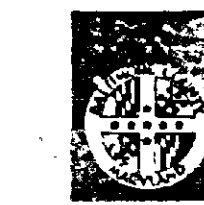
cc: Mr. & Mrs. Marshall Fesche  
22506 St. Davids Lane  
Timonium, Maryland 21093

Mr. Jim Bacon  
12212 Falls Road  
Cockeysville, Maryland 21030

People's Counsel of Baltimore County  
Rm. 304, County Office Bldg., Towson, Md. 21204  
File

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3333  
J. Robert Haines  
Zoning Commissioner

December 7, 1989



Dennis F. Rasmussen  
County Executive

Mr. & Mrs. Marshall Fesche  
11506 St. Davids Lane  
Timonium, Maryland 21093

RE: PETITION FOR ZONING VARIANCE  
NE/S Falls Road, 70' NW of the c/l of Applecroft Road  
(12207 Falls Road)  
8th Election District - 3rd Councilmanic District  
Marshall Fesche, et ux - Petitioners  
Case No. 90-207-A

Dear Mr. & Mrs. Fesche:

Enclosed please find a copy of the decision rendered in the  
above-captioned matter. The Petition for Zoning Variance has been denied  
in accordance with the attached Order.

In the event any party finds the decision rendered is unfavor-  
able, any party may file an appeal to the County Board of Appeals within  
thirty (30) days of the date of this Order. For further information on  
filing an appeal, please contact Ms. Charlotte Radcliffe at 867-3391.

Very truly yours,

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:bjs

cc: Mr. Jim Bacon  
12212 Falls Road, Cockeysville, Md. 21030

People's Counsel  
File

NOTICE OF HEARING

The Zoning Commission of  
Baltimore County, by authority  
of the Zoning Act and Regulations  
of Baltimore County, is hereby  
giving notice that a public hearing  
will be held on the following  
matter at the time and place  
indicated below.

Petitioner: Marshall Fesche, et ux  
Case Number: 90-207-A  
Location: NE/S Falls Road, 70' NW of c/l of Applecroft Rd.  
Road: 12207 Falls Road  
Location of Sign: In front of 12207 Falls Road

Public Hearing: To be held at 1:00 p.m. on Wednesday, July 18, 1990, at the County Office Building, Room 301, 111 W. Chesapeake Avenue, Towson, Maryland 21204.

NOTE: To appear at a public hearing, a party must file a written statement of the grounds for the appeal with the Zoning Commission at least 10 days before the hearing. The statement must be filed with the Zoning Commission, 111 W. Chesapeake Avenue, Towson, Maryland 21204.

NOTE: The Zoning Commission will hold a public hearing on the appeal at the time and place indicated above. The hearing will be held in the County Office Building, Room 301, 111 W. Chesapeake Avenue, Towson, Maryland 21204.

J. ROBERT HAINES  
Zoning Commissioner  
Baltimore County  
2/9/90

CERTIFICATE OF PUBLICATION

TOWSON, MD. November 2, 1989

THIS IS TO CERTIFY, that the annexed advertisement was  
published in THE JEFFERSONIAN, a weekly newspaper published  
in Towson, Baltimore County, Md., once in each of 1 successive  
weeks, the first publication appearing on Nov 2, 1989.

THE JEFFERSONIAN,

*S. Zebe Olson*

Publisher



APPEAL

Petition for Zoning Variance  
NE/S Falls Road, 70' NW of  
the c/l of Applecroft Road  
(12207 Falls Road)  
8th Election District - 3rd Councilmanic District  
Marshall Fesche, et ux - Petitioner  
Case No. 90-207-A

Petition for Zoning Variance  
Description of Property  
Certificate of Posting  
Certificate of Publication  
Zoning Plans Advisory Committee Comments  
Director of Planning Zoning Comments, dated November 2, 1989  
Petitioner's Exhibit: Plat  
Zoning Commissioner's Order, dated December 7, 1989  
Notice of Appeal received January 3, 1990

List all Names of parties involved

Mr. & Mrs. Marshall Fesche  
22506 St. Davids Lane  
Timonium, Md. 21093

Mr. Jim Baron  
12212 Falls Road  
Cockeysville, Md. 21030

People's Channel of Baltimore County  
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Modification: P. David Fields, Director of Planning & Zoning  
Patricia Teller, Office of Planning & Zoning  
J. Robert Haines, Zoning Commissioner  
Ann W. Mastarovich, Deputy Zoning Commissioner  
James P. Dyer, Zoning Supervisor  
W. Carl Richards, Jr., Zoning Coordinator  
Docket Clerk  
Arnold Jablon, County Attorney

114.34

**CERTIFICATE OF PUBLICATION**

TOWSON, MD. November 2, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov 1, 1989.

TOWSON TIMES.  
S. Zabe Olin  
Publisher

**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 8th Date of Posting: 90-207-A

Posted for: Variance

Petitioner: Marshall Fesche et ux

Location of property: NE side of Falls Road, 70' W of the c/l of Applecroft Road, 12207 Falls Road

Location of Signs: Along front of 12207 Falls Road

Remarks: See above

Posted by: J. Robert Haines Date of return: 11-10-89

Number of Signs: 1



Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3333

J. Robert Haines  
Zoning Commissioner

DATE 11/15/89

Re: Petition for Zoning Variance  
CASE NUMBER: 90-207-A  
NE/S of Falls Road, 70' NW of c/l of Applecroft Road  
12207 Falls Road  
8th Election District - 3rd Councilmanic  
Petitioner(s): Marshall Fesche, et ux  
HEARING: WEDNESDAY, NOVEMBER 29, 1989 at 2:30 p.m.

Dear Mr. & Mrs. Fesche:

Please be advised that \$ 139.34 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204 (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,  
J. Robert Haines  
J. ROBERT HAINES  
ZONING COMMISSIONER

JRH:gs  
cc: File

NOTE:  
(If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the Hearing will be postponed. In the event of snow, telephone 887-3331 to confirm hearing date.)

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R001-6150  
Number: 502

Date: 11/27/89 H9000160

receipt  
No. 502  
90-207

	QTY	PRICE
PUBLIC HEARING FEES		
000 - POSTING SIGN / ADVERTISING 1 X		\$139.34
		TOTAL: \$139.34

LAST NAME OF OWNER: FESCHE

8 101 \*\*\*\*\*139341 2294F  
Please make checks payable to: Baltimore County

Cashier Validation:

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3333

J. Robert Haines  
Zoning Commissioner

October 17, 1988

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance  
CASE NUMBER: 90-207-A  
NE/S of Falls Road, 70' NW of c/l of Applecroft Road  
12207 Falls Road  
8th Election District - 3rd Councilmanic  
Petitioner(s): Marshall Fesche, et ux  
HEARING: WEDNESDAY, NOVEMBER 29, 1989 at 2:30 p.m.

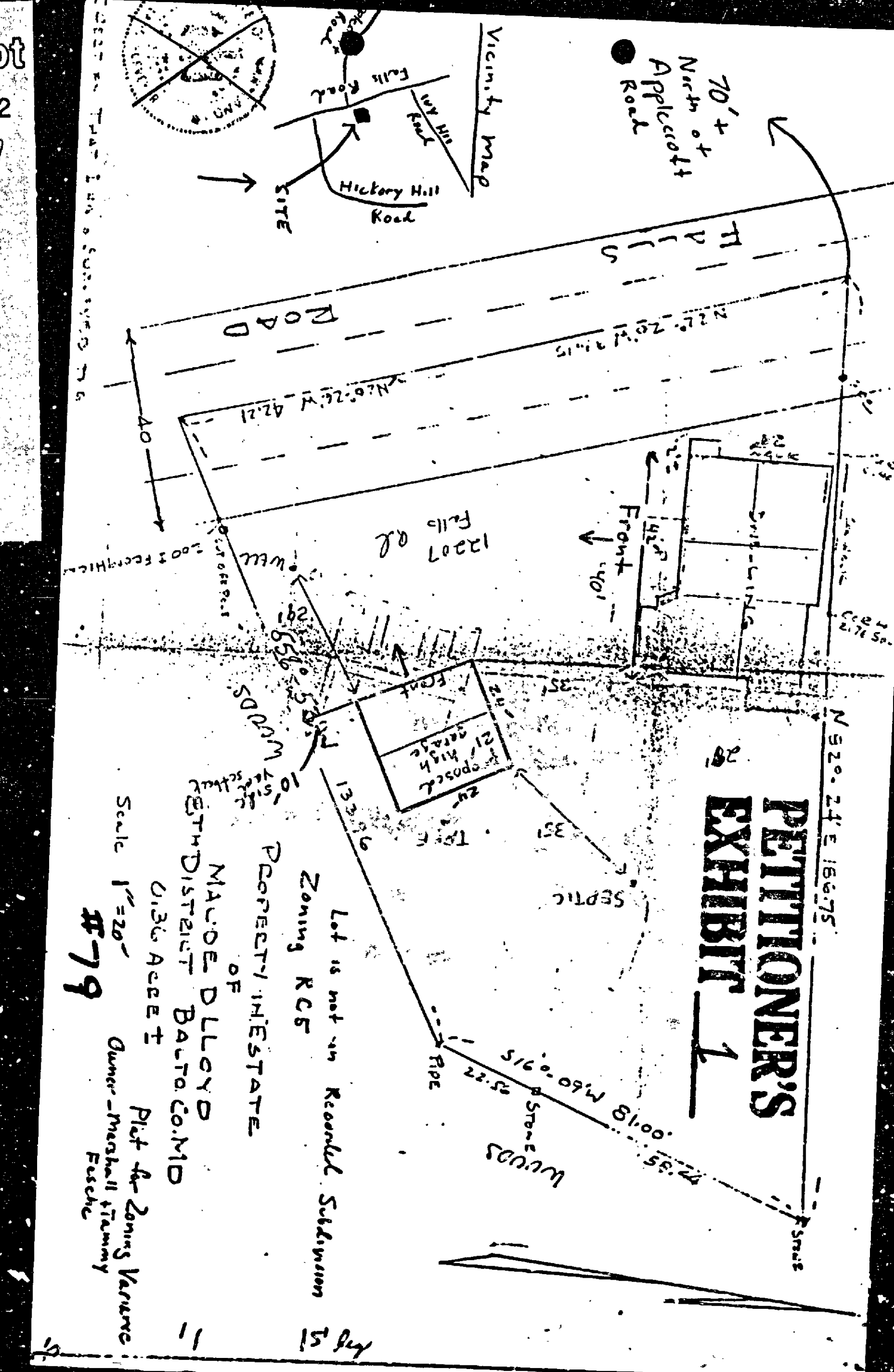
Variance To permit a 21 foot in height accessory building (garage) in the front yard in lieu of the maximum 15 feet height and required rear yard.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

NOTE:  
(If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the Hearing will be postponed. In the event of snow, telephone 887-3331 to confirm hearing date.)

J. Robert Haines  
J. ROBERT HAINES  
ZONING COMMISSIONER  
BALTIMORE COUNTY, MARYLAND

JRH:gs  
cc: Mr. & Mrs. Fesche  
File





## BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

November 17, 1989

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204Mr. & Mrs. Marshall Fesche  
11506 St. Davids Lane  
Timonium, MD 21093RE: Item No. 79, Case No. 90-207-A  
Petitioner: Marshall Fesche, et ux  
Petition for Zoning Variance

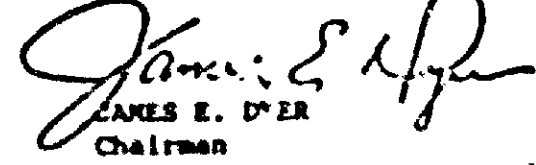
Dear Mr. &amp; Mrs. Fesche:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

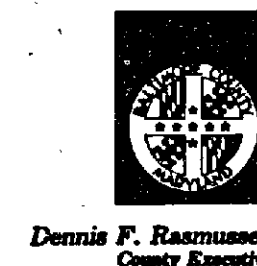
IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WIMIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

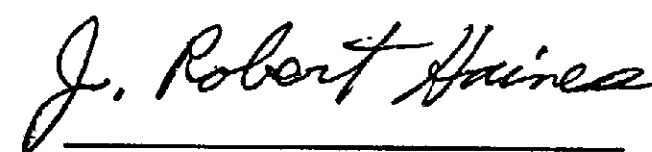

James E. Dyer  
Chairman  
Zoning Plans Advisory Committee

JED:jw

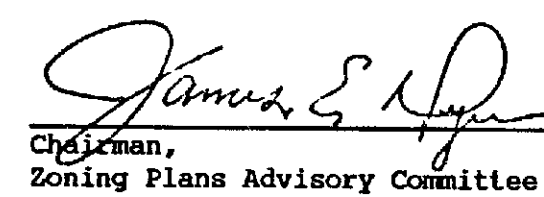
Enclosures

Baltimore County  
Zoning Commissioner  
Office of Planning and Zoning  
Towson, Maryland 21204  
(801) 887-5353J. Robert Haines  
Zoning CommissionerDennis F. Rasmussen  
County Executive

Your petition has been received and accepted for filing this  
29th day of September, 1989.


J. ROBERT HAINES  
ZONING COMMISSIONER

Received By:


Chairman,  
Zoning Plans Advisory Committee

Petitioner: Marshall, Fesche, et ux

Petitioner's Attorney:

## BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines  
Zoning Commissioner

DATE: November 2, 1989

FROM: Pat Keller, Deputy Director  
Office of Planning and ZoningSUBJECT: Zoning Petition No. 90-207A  
Marshall Fesche, Item 79

The Petitioner requests a Variance to permit a 21 ft. high accessory structure in lieu of the required 15 feet and to locate the structure in the front yard.

In reference to this request, Staff offers the following comments:

Should the Petitioner's request be granted, Staff recommends that a condition should be placed in the Order indicating that the garage shall contain no living quarters or apartments and no kitchen facilities shall be permitted.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK:JL:qgl  
ZPVARIOU

NOV 3 8 1989

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
Courts Building, Suite 406  
Towson, Maryland 21204  
(801) 887-3554RECEIVED  
SEP 14 1989

ZONING OFFICE

September 12, 1989

Dennis F. Rasmussen  
County ExecutiveMr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, MD 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 73, 74, 75, 76, 77, 78, 79, 80, 81, and 82.

Very truly yours,



Michael S. Flanigan

MSF/efm

SEP 16 1989

Baltimore County  
Fire Department  
200 Bri. Road  
Towson, Maryland 21204  
(801) 887-4500  
Paul H. Rasmussen  
Chief

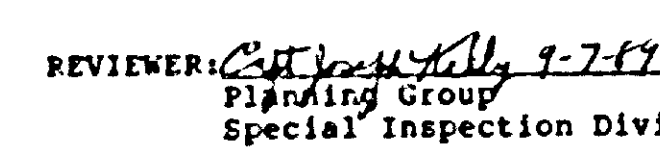
September 7, 1989

Dennis F. Rasmussen  
County ExecutiveJ. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204RE: Property Owner: MARSHALL FESCHE  
Location: NE/S OF FALLS ROAD  
Item No.: 79 Zoning Agenda: SEPTEMBER 5, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER:  Noted and Approved  
Planning Group Fire Prevention Bureau  
Special Inspection Division

JK/REK

SEP 8 1989

County Board of Appeals  
Baltimore County  
Towson, Maryland 21204

January 3, 1990

Dear Board of Appeals,

I find the decision rendered on case number 90-207-A unfavorable and not based on the facts. The proposed area for placement of the garage is the only location on the property available. The septic system is located on the side of the house (not rear as stated in denial) and the well is located in the front yard (not side as stated in denial). Thus the only location available for the placement of the garage would be between the well system and the septic system.

Please note that the house does not face Falls Road but is at a right angle to the road. The garage itself will be positioned much further back from the road than where the house is located.

Practical difficulty would be experienced from this denial since I would not be able to build a garage on this property in any other location. My request to build a garage is not unreasonable since most of the surrounding houses in the neighborhood have garages.

Thank you for your consideration

RECEIVED JAN 3 1990

Sincerely,  
Marshall FescheBaltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204Account: R-001-6150  
Numberreceipt  
No 865

Date

1/03/90

A9000021

APPEAL FEES QTY PRICE

140 -OF ALL OTHER ORDERS 1 X \$125.00

150 -POSTING SIGNS / ADVERTISING 1 X \$25.00

TOTAL: \$150.00

LAST NAME OF OWNER: FESCHE

Cashier Validation:

B 006\*\*\*\*\*1500014 5102F  
Please make checks payable to: Baltimore County

Case # 90-207-A